

payable out of the general revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fifth Called Session of the Forty-first Legislature of the State of Texas, etc., and declaring an emergency."

S. C. R. No. 1, Allowing the Senate to adjourn until Monday, February 24, 1930.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 1.

Adjournment.

At 12:08 o'clock the Senate adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared, and find the same correctly enrolled, and have this day at 12:15 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, payable out of the general revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fifth Called Session of the Forty-first Legislature of the State of Texas, and to pay the contingent expenses of the Fifth Called Session of the Forty-first Legislature of the State of Texas, and to pay any unpaid expenses incurred by the Fourth Called Session of the Forty-first Legislature of the State of Texas, and providing for the approval of accounts and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

SECOND DAY.

Senate Chamber,
Austin, Texas,
February 24, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Williamson.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.

Absent—Excused.

Parr.	Wirtz.
Patton.	Woodul.
Pollard.	Woodward.
Stevenson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator McFarlane:

S. B. No. 2, A bill to be entitled "An Act creating a commission to reorganize and centralize the penitentiary system of the State of Texas; providing for the sale of certain prison property and the location of said centralized plant; providing the necessary powers and authorities and duties of said commission to remodel or construct said system; providing for the manufacturing and supplying the Board of Control merchandise and supplies for the State's use by the prison system; authorizing and directing the Board of Control and the Highway Commission to purchase from the Prison Board certain materials, supplies and labor needed for the State's use; granting the necessary authorities power, privileges to carry into effect requirements of said reorganization of the prison system; and making an appropriation to carry out the provisions of the Act, and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Love:

S. B. No. 3, A bill to be entitled "An Act to exempt from taxation the property owned or used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys and girls, young men or young women, operating under a State or National organization of like character, and all endowment funds of

such institutions, and declaring an emergency."

Read first time and ruled out of order because not covered by Governor's call.

By Senator Small:

S. B. No. 4, A bill to be entitled "An Act to grant and sell to S. E. Damon certain land with reservation to the State of an interest in the minerals therein; providing terms of sale and declaring an emergency."

Read first time and ruled out of order because not covered by Governor's call.

By Senator Parrish:

S. B. No. 5, A bill to be entitled "An Act amending Section 8 of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended, so as to provide for and regulate applications for parole; also amending Section 6 of said article as amended so as to provide that a person sentenced for a term not exceeding one year shall not come under this law; repealing Section 3 of said article as amended; and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Parrish:

S. B. No. 6, A bill to be entitled "An Act further regulating the registration of motor vehicles; making it a necessary prerequisite to register a motor vehicle that evidence be produced that State and County ad valorem taxes on said vehicle have been paid wherever such vehicle has become subject to such taxes and the time for paying same has expired; enacting all necessary provisions incidental to said purpose; and declaring an emergency."

Read first time and ruled out of order because not included in Governor's call.

By Senator Parrish:

S. B. No. 7, A bill to be entitled "An Act providing that when any fire insurance company, or hail insurance company, or tornado insurance company, or automobile insurance company, insuring automobiles against fire, theft or collision, shall fail or refuse to pay losses within a certain time after demand has been made therefor, the person entitled to

receive such insurance shall be entitled to recover twelve per cent (12%) damages on the amount of said loss together with reasonable attorneys' fees for the prosecution and collection of such loss; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

Read first time and ruled out of order because not covered by Governor's call.

By Senator Beck:

S. B. No. 8, A bill to be entitled "An Act providing for the reorganization of the penitentiary of the State of Texas; for the purchase of lands therefor; for construction of a central prison unit; providing for the disposition of the present penitentiary properties at Huntsville, Texas, and of certain of the farms now owned by the prison system; creating a Special Commission to select a proper site for the central prison unit, and defining the powers of said commission; providing for the manufacturing and supplying to the Board of Control of merchandise and supplies for State use by the prison system; authorizing and directing the State Board of Control and the State Highway Commission to purchase from the State Prison Board certain materials, supplies and labor needed for State use; for the proper hospitalization and segregation of the inmates of the penitentiary; and providing for the construction of a female unit, and making an appropriation to carry out the provisions of this Act; and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Love:

S. B. No. 9, A bill to be entitled "An Act providing that in the trial of criminal cases, the admissibility of evidence shall not be affected by the illegality of the means through which it was obtained, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and ruled out of order because not covered by Governor's call.

By Senator Woodward:

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 81 of the

General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 31, 1921, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a commission to aid the Supreme Court of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; providing for stenographers, clerical help, and porter and fixing their compensation; fixing the salaries of the Commissioners, the manner of payment thereof; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senators Excused.

On motion of Senator Witt, Senator Woodward was excused for the day on account of important business. Other Senators excused were:

Senator Wirtz on motion of Senator Russek.

Senator Pollard, on motion of Senator Beck.

Senator Parr, on motion of Senator Hyer.

Senator Patton, on motion of Senator Cousins.

Senator Stevenson, on motion of Senator Holbrook.

Senator Woodul, on motion of Senator Neal.

Recess.

On motion of Senator Witt, the Senate, at 10:45 o'clock, recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock, pur-

suant to recess and was called to order by President Pro Tem Williamson.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, Feb. 24, 1930.
To the Members of the Forty-first Legislature:

A bill was introduced at the last Special Session of the Legislature making some change in the law with reference to the Commission of Appeals of the Supreme Court. I understand that this bill has the endorsement of the Supreme Court and that it is desired to improve the working efficiency of the Commission. I submit for your consideration matters of judicial reform.

The Board for the leasing of University lands is requesting that a change be made in the law creating this Board and in providing for the disposition of lands belonging to the University of Texas. I submit for your consideration the amendment of the law creating the Board for the leasing of University lands and the statutes pertaining to the disposition of properties belonging to the University of Texas.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Simple Resolution No. 1.

Senator Gainer sent up the following resolution:

Whereas, There is now being printed 2500 copies of Senate Journal daily and,

Whereas, There is an insistent demand for extra copies of same by Senate members;

Be It Resolved, Therefore That there be 300 extra copies of same procured and that the Sergeant-at-arms be and is hereby instructed to order same.

GAINER.

The resolution was read and adopted.

Adjournment.

On motion of Senator Hyer, the Senate, at 2:27 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX

Petitions and Memorials.

(Telegram.)

Graham, Texas, Feb. 21, 1930.
Hon Barry Miller, President of the Senate, Austin, Texas.

Be it resolved by the Retail Merchants of Graham, Texas in meeting assembled that we unanimously go on record in expressing our opposition to the chain store movement that is sapping the wealth of this country; that we oppose the practices and methods used in spreading their propaganda throughout the land and in not assisting in developing the local communities in any way and in not paying their just portion of taxes and in sending their money out of the communities and in not leaving any of the benefits in the place where the business is transacted and not paying living wages to their employees and that we give a copy of this resolution to the press and send a copy of same to K W K H. Shreveport, Louisiana, and that we send a copy of this resolution to our representative and senator urging them to enact adequate legislation on this subject at once.

Retail Merchants of Graham, Texas.

Beaumont, Texas, Feb. 22, 1930.
Mr. W. R. Cousins, House of Representatives, Austin, Texas.

Dear Sir: I noticed that you are standing by the people, and are against the centralization of the penitentiary. At this time that would be a very expensive move, sure the Governor is honest in his intention, but he is about the youngest man up there, and he is mistaken. It is too late now to be increasing the tax for old soldiers, that would have been a fine thing ten, twelve, or thirteen years ago. The soldiers have passed away.

One Junior College for Beaumont is enough, at this time, which we already have. We might need another later. Anything you can do to reduce the taxes will be a great help to the people, any law that raises the tax would be a big mistake. The people are heavily loaded with taxes already.

I am glad to note that all of our East Texas lawmakers are standing

by the people, and the people are behind you in your views.

Your friend,

C. E. Casey.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 24, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 2, A bill to be entitled "An Act creating a commission to reorganize and centralize the penitentiary system of the State of Texas; providing for the sale of certain prison property and the location of said centralized plant; providing the necessary powers and authorities and duties of said commission to remodel or construct said system; providing for the manufacturing and supplying the Board of Control merchandise and supplies for the State's use by the prison system; authorizing and directing the Board of Control and the Highway Commission to purchase from the Prison Board certain materials, supplies and labor needed for the State's use; granting the necessary authorities power, privileges to carry into effect requirements of said reorganization of the prison system; and making an appropriation to carry out the provisions of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

McFARLANE, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 8, A bill to be entitled "An Act providing for the reorganization of the penitentiary of the State of Texas; for the purchase of lands therefor; for construction of a central prison unit; providing for the disposition of the present penitentiary properties at Huntsville, Texas, and of certain of the farms now owned by the prison system; creating a special commission to select a proper site for the central prison unit, and defining the powers of said

commission; providing for the manufacturing and supplying to the Board of Control of merchandise and supplies for State use by the prison system; authorizing and directing the State Board of Control and the State Highway Commission to purchase from the State Prison Board certain materials, supplies and labor needed for State use; for the proper hospitalization and segregation of the inmates of the penitentiary; and providing for the construction of a female unit, and making an appropriation to carry out the provisions of this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

McFARLANE, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1928, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a commission to aid the Supreme Court of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; providing for stenographers,

clerical help and porter and fixing their compensation; fixing the salaries of the commissioners, the manner of payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MILLER, Chairman.

By Senators Wood- S. B. No. 10.
ward and Witt.

A BILL
To Be Entitled

"An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a commission to aid the Supreme Court of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; providing for stenographers, clerical help, and porter and fixing their compensation; fixing the salaries of the commissioners, the manner of payment thereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Supreme Court of this State is hereby authorized to appoint a commission, to be composed of six attorneys at law, having those qualifications fixed by the laws and

Constitution of this State for the judges of the Supreme Court of Texas, which commission shall be for the aid and assistance of said court in disposing of the business before it; and such commission shall discharge such duties as may be assigned it by said court. Each member of said commission shall receive for his services the same salary, paid in the same manner as are the salaries of the members of the present Commission of Appeals.

Sec. 2. The present members of the Commission of Appeals shall continue in office until the expiration of the terms for which each of them has been appointed. Upon the expiration of the terms of office of the present members of the Commission of Appeals the Supreme Court of this State shall appoint six commissioners hereinbefore provided for, two of whom shall serve for a period of two years, two for four years and two for six years from the date of their appointment, such terms to be designated by the Supreme Court, and thereafter the Supreme Court shall every two years appoint two commissioners whose terms of office shall be for a period of six years.

Sec. 3. In case of a vacancy on said Commission of Appeals by the death, resignation or removal of any member thereof, it shall be the duty of the Supreme Court to fill the same by appointment and the person so appointed shall continue in office for the unexpired portion of the term for which the commissioner so vacating his office had been appointed.

Sec. 4. The Commission of Appeals shall hear the submission of causes under such rules and regulations as may be prescribed by the Supreme Court and such court may adopt the opinion prepared by any member of the said commission and make the same judgment of the Supreme Court.

Sec. 5. Two of said commissioners designated by the Supreme Court acting with one member of the Supreme Court shall be authorized to pass upon all applications for writs of error presented from the courts of civil appeals, and the action of said two commissioners and one member of the Supreme Court in passing upon such applications shall be given the same force and effect as if the

same were passed upon by the Supreme Court; provided upon any application in which the three judges are not unanimous, the same shall be determined by the Supreme Court.

Sec. 6. In cases referred to the commission the papers shall not be re-filed with said commission, and only such additional costs as may be essential to carry into effect the provision hereof shall be incurred by the parties to such cases by reason of the reference thereto.

Sec. 7. The commission shall hold its sessions in Austin at the same time and place as the Supreme Court, but it shall continue work during the vacation of the Supreme Court in mid-summer. The judges of the commission may take a vacation not to exceed eight weeks during said period.

Sec. 8. The commission shall appoint stenographers not exceeding four, each of whom shall receive an annual salary not to exceed fifteen hundred dollars, to be paid in monthly installments, on warrants approved by the Chief Justice of the Supreme Court.

Sec. 9. The Clerk of the Supreme Court shall perform the duties of clerk of said commission and shall be allowed for services rendered to said commission by him and his deputies, an additional compensation of fifteen hundred dollars per annum, to be paid out of the fees of his office.

Sec. 10. Said commission of Appeals shall have a seal, being a star with five points and the words "Commission of Appeals of the State of Texas" around the same.

Sec. 11. Regular dockets and minutes of all proceeding by or before said Commission of Appeals shall be kept and the records and proceedings of courts of record and all cases shall be docketed in the order in which they are transferred or referred by the Supreme Court. Said commission shall have the right to issue writs of certiorari to perfect the record, and such process as the Supreme Court might issue to make parties, and shall have power to punish for contempt. All laws and rules regulating practice and procedure in the Supreme Court shall be of force in the practice and proceedings of

the Commission of Appeals so far as applicable.

It is the intention of this Act to make more elastic the operation of the Commission of Appeals in order to expedite the disposition of causes in the Supreme Court and the Supreme Court is given full authority to assign such duties to the Commission of Appeals or the members thereof as it may deem proper in order to facilitate the dispatch of business before the Supreme Court.

Sec. 12. The salaries of the six commissioners, stenographers, porters, clerical help and other expenses essential to carry on the work of the Commission of Appeals shall be paid out of the appropriation made to take care of the salaries and expenses of the present commission as it now exists.

Sec. 13. The fact that the present Commission of Appeals will expire by its own limitation upon the last Saturday in June, 1931, and the further fact that the docket of the Supreme Court is still in a very crowded condition and will be so at the time the Commission of Appeals will expire, and the great necessity that cases now pending in the Supreme Court and petitions for writs of error to said court shall be disposed of as expeditiously as may be done, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read in each house on three several days, and that this Act take effect and be in force from and after its passage, and it is so enacted.

THIRD DAY.

Senate Chamber,
Austin, Texas,
February 25, 1930.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem Williamson.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.